

1902-03 Chancery Causes: E. S. Flanary & vs. H. W. Franklin
Lee Co.

J. J. C. Flanary & Bro.]

CA-Contract Dispute
T-Property

To the Honorable H. A. W. Sherr Judge of the
Circuit Court of Lee County, Va.

Humbly complaining, sheweth unto your
honor, your orators E. S. Flanary, and J. J. C.
Flanary, late partners in trade under the firm,
name and style of J. J. C. Flanary & Bros—

That your orators was sometime before
the year 1893— seized of or entitled to a good
fee simple estate in and to certain land
lying in the county of Lee, on head of Wallins Creek—
Containing 275 acres more or less— And being
desirous to sell the same, did contract with
one H. N. Franklin, some time in the year
1893, for the sale of the said land to him, at
which time the said H. N. Franklin did agree
to purchase the said land of your orators, at the
price of Fifteen hundred dollars, That by this
agreement, as will appear by reference to the
three several notes or bonds executed by the said
H. N. Franklin on Aug. 21st 1894, which notes are
here filed marked 1-2-3, and asked to be treated as
part of this bill, the said H. N. Franklin
contracted to pay your orator \$500. on day of sale,
\$500. due march 15th, 1894, And \$500. due march 15th
1895, each one drawing interest from march 15th
1893. date of sale, And your orators further sheweth
that in performance of the said agreement, he
did on the 1st day of April 1897— execute a good
and sufficient deed of conveyance, conveying the

said land to the said H. N. Franklin, and
tendered the same to him, the said H. N.
Franklin, that the said H. N. Franklin refused
them to comply with the said contract on his
part, by refusing to pay your orators either
or all the installments aforesaid, all of said notes
or bonds for the purchase money being past
due, And the said H. N. Franklin having been in
the full enjoyment and possession of said lands
from the date of sale, And that the said H. N.
Franklin still refuses to comply with the said
Contract, though he has been several times applied
to by your orators to comply with the same,
Said deed which was tendered is here filed as
an exhibit, to be delivered when purchase
money is paid in full.

In tender consideration whereof, and forasmuch
as your orators is remediless in the premises,
save by the aid of a court of Equity, where matters of
this kind are alone ^{con-}siderable, Yours, pray that
the said H. N. Franklin be made a party defendant
to this bill and answer the same but not
on oath, that being waived, that the said
agreement entered into between your orators
and the said H. N. Franklin be specifically performed
and carried into execution by the said H. N.
Franklin, your orator hereby offering to perform
the same on his part And that the said H. N.

Franklin, may be compelled to pay your
orator the amount of purchase money of
said land, with interest on the several
installments thereon, from the said 15th
day of march. 1893, till paid, that said lands
may be sold to pay the purchase money
and a personal judgment rendered —
that proper process may issue, and that
your orator may have such other further
and general relief as the nature of his case may
require, or to Equity shall seem meet,
And your orator will ever pray etc.

M. G. Ely. pr.

124

E. S. Flanary et al -
vs. Billin Chanary -
H. N. Franklin, Dft.

1901 2nd October Rules
Bill filed Spa not
executed & Alias award
" 1st Moor rules Contd
" 2nd Moor rules Contd
" 1st Deer rules Contd
" 2nd Deer rules Contd
1902 1st Jan'y rules Contd
" 2nd Jan'y rules alias
Spa executed & Dft
" 1st Feb'y rules Dft
Conf'd & Cause set for
hearing.

June Term 1902
Decree final

~~M.G. Ely.~~

~~Jonesville-Va-Jun-30th-1902~~

E.S.Flanary, and others~~X~~ Plaintiffs
aganst) in Chancery

H.N.Franklin, Defendant

This cause came on this day to be heard upon the papers formerly
read in the cause, ~~for~~ process duly executed on the defendant,
and was argued by counsel, on consideration of which, the matter,
in contro~~ver~~sey having been settled by the parties, on motion of
the plaintiff this cause is stricken from the docket the ~~of~~
defendant paying the costs.

E. S. Flanary and others
vs. Decree Final
H. N. Franklin Deft.

Entered C.O.B. No 7
Page 63.
Enter this

H. A. W. H. H.

June 30th 1902

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon H. N. Franklin

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the 3rd Monday in October 1901, to answer a bill in

chancery exhibited against him in our said court by E. S. Flanary
and J. J. L. Flanary

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,
the 17th day of October 1901, and in the 12^{6th} year of the Common-
wealth.

A copy, Teste:

A. B. Munsey Clerk.

A. B. Munsey Clerk

~~Clerk~~

vs.

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SUBPŒNA
IN CHANCERY.

p. q.

To Rules.

..... Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

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to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the *3rd* Monday in *October* 1901, to answer a bill in

chancery exhibited against

him

in our said court by

E. S. Flanary

and *J. J. L. Flanary*

And have then there this writ.

Witness, A. B. Munsey, Clerk of our said Court, at the court-house,

the

17th

day of

October

1901,

and in the 12^{6th} year of the Common-

wealth.

A copy, Teste:

A. B. Munsey

Clerk.

Clerk.

E. S. J. J. L. Flannery
vs. }
SUBPCENA
IN CHANCERY.

H. M. Franklin

M. H. Ely p. q.

To 2nd October Rules.
1901. Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

^{again}
WE COMMAND YOU, That you summon H N Franklin

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the 3rd Monday in January 1902, to answer a bill in

chancery exhibited against him in our said court by E.S. Flanary
and J. J. C. Flanary

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,
the 5th day of December 1901, and in the 12 6th year of the Common-
wealth. A copy, Teste: A. B. Munsey Clerk.

Clerk.

E. S. & J. J. Co. Flanary
vs. alias SUBPENA
IN CHANCERY.

H. N. Franklin

M. G. Ely p. q.

To 2nd January Rules.
1902. Circuit Court.

Executed by
delivering an
attested copy of
the within notice
to H. N. Franklin
Dec- the 17, 1901
J. W. Hall D.S.
for W. J. Milhouse
S. L. C.